

Amendments to the Claims

Please cancel claims 4-21 as filed without prejudice to prosecuting the subject matter of these claims in an application to be filed at a later time.

1. (original) A method of improving glyphosate tolerance in a wheat plant comprising:
 - (1) constructing a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a rise actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron; (c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule; and
 - (2) transforming a wheat cell with said DNA construct; and
 - (3) regenerating said wheat cell into a wheat plant; and
 - (4) treating said wheat plants with an effective dose of glyphosate; and
 - (5) selecting fertile wheat plants that are vegetative and reproductive tolerant to glyphosate.
2. (original) A fertile glyphosate tolerant wheat plant produced by the method of claim 1.
3. (original) The progeny seeds of the glyphosate tolerant wheat plant of claim 2.
4. (canceled)
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19. (canceled)
20. (canceled)
21. (canceled)